

## **APPENDIX 1**





2006 00031151

Bk: 8937Pg: 20 Page: 1 of 8

Recorded: 11/03/2006 10:11 AM

**FIDUCIARY DEED**

We, **BANK OF AMERICA, N.A.** (successor to The First National Bank of Amherst, Shawmut Bank, N.A., and Fleet National Bank) as **TRUSTEE of the Trust established under the Will of George Smith Kendrick and under equity decree dated April 14, 1964, a/k/a The George Smith Kendrick Trust** (Hampshire Probate and Family Court Docket No. 36790), and as **TRUSTEE of the Trust established under the Will of Jenny Kendrick a/k/a Jennie Kendrick and under equity decree dated April 14, 1964, a/k/a The Jenny Kendrick Trust** (Hampshire Probate and Family Court Docket No. 36790), having an address at c/o Steven J. Newman, Bank of America, Private Bank Real Estate Services, 99 Founders Plaza, East Hartford, Connecticut, 06108, pursuant to the order of the Hampshire Probate and Family Court Docket No. 00E-0012GC dated December 28, 2005,

for full consideration but no monetary consideration paid,

grant to **THE TOWN OF AMHERST, MASSACHUSETTS**, a municipal corporation in Hampshire County, in the Commonwealth of Massachusetts, with an address at, Amherst Town Hall, 4 Boltwood Avenue, Amherst, Massachusetts, 01002,

those certain parcels of land, with the buildings thereon, as more particularly described in Exhibit A, attached hereto.

Consideration for this conveyance being nominal, no documentary stamps are attached hereto.

**WITNESS** our hand and seal this 5<sup>TH</sup> day of OCTOBER, 2006.

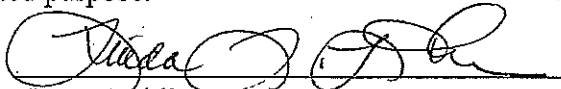
**TRUSTEE OF THE GEORGE SMITH  
KENDRICK TRUST and the JENNY KENDRICK TRUST  
BANK OF AMERICA, N.A., as Trustee and not  
individually**

By: Steven J. Newman  
Name: STEVEN J. NEWMAN  
Title: ASSISTANT VICE PRESIDENT

Property Address: 257, 269, 275, 285, 291, 297, 303 and 317 North Pleasant Street, Amherst, MA;  
72 East Pleasant Street, Amherst, MA; and  
282 Triangle Street, Amherst, MA

~~COMMONWEALTH OF MASSACHUSETTS~~  
STATE OF CONNECTICUT  
HARTFORD COUNTY  
EAST HARTFORD, SS.

On this 5<sup>TH</sup> day of OCTOBER, 2006, before me, the undersigned notary public, personally appeared STEVEN F. NEWMAN, AVP of Bank of America, N.A., the Trustee of The George Smith Kendrick, and proved to me through satisfactory evidence of identification, which was PERSONALLY KNOWN TO ME (source of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public

My Commission Expires:

**LINDA L. LOHR**

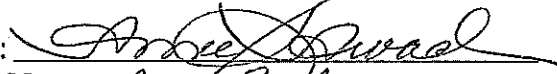
**NOTARY PUBLIC**

MY COMMISSION EXPIRES SEP. 30, 2008

**ACCEPTANCE OF DEED**, as authorized by vote of the Board of Selectmen of the Town of Amherst, Massachusetts, dated May 19, 2004:

BOARD OF SELECTMEN OF THE TOWN OF  
AMHERST, MASSACHUSETTS:

By:

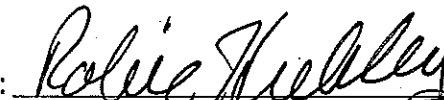


Name: ANNE S. AWAD

Title: CHAIR, SELECT BOARD

Date: OCTOBER 23, 2006

By:

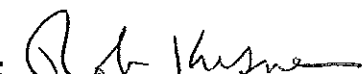


Name: ROBIE HUBLEY

Title: SELECT BOARD

Date: OCTOBER 23, 2006

By:



Name: ROB KUSNER

Title: SELECT BOARD MEMBER

Date: 23 October 2006

By:



Name: GERRY WEISS

Title: SELECT BOARD MEMBER

Date: OCTOBER 23, 2006

By: Hwei-Ling Greenly  
Name: Hwei-Ling GREENEY  
Title: Amherst Select Board  
Date: 10/23/06

## EXHIBIT A

### PARCEL ONE

A certain parcel of land, with the buildings thereon, situated between Pleasant Street and East Pleasant Street in said Amherst and being triangular in shape and bounded and described as follows: Beginning at the Northwesterly corner of the granted premises at an iron pipe driven into the ground on the Easterly side of said Pleasant Street; thence running along the Easterly side of said Pleasant Street, the course being supposed to be South 9° 30' west, about three hundred fourteen and five-tenths (314.5) feet to the intersection of said Pleasant Street with said East Pleasant Street; thence running along the Westerly side of said East Pleasant Street in a course supposed to be North 28° 10' East about three hundred twenty-nine and six-tenths (329.6) feet to land now or formerly of Abby W. Henry; thence along land of said Henry North 79° 20' West one hundred five and nine-tenths (105.9) feet to the point of beginning.

The granted premises are subject to a right of way twenty-two (22) feet wide, as particularly described in the deed from Charles E. Spooner to Harold B. Ketchen, to which reference is made for a particular description of said right of way.

The granted premises are also subject to a right in favor of the Amherst Water Company to lay, repair and maintain water pipes as particularly described in said deed from Charles E. Spooner to Harold B. Ketchen, to which deed reference is made for a more particular description of said rights.

For Grantor's title see deed of Jesse A. G. Andre dated March 18, 1957, and recorded with the Hampshire County Registry of Deeds in Book 1430, Page 81.

### PARCEL TWO

The land in said Amherst, with the buildings thereon, situate between Pleasant and East Pleasant Streets, and bounded and described as follows, to wit: Beginning at the Northwest corner of the tract hereby conveyed, on the East side of said Pleasant Street, it being the Southwest corner of land of Mary E. Dudley; thence running Southerly on said Pleasant Street eighty-three (83) feet to land formerly of Harold B. Ketchen; thence Easterly on land formerly of said Ketchen one hundred and eight and seven-tenths (108.7) feet to said East Pleasant Street; thence Northerly on said East Pleasant Street thirty-five (35) feet to a highway bound and thence continuing Northerly on said East Pleasant Street forty-nine and fifty-five one-hundredths (49.55) feet to land of said Dudley; thence Westerly on land of said Dudley one hundred and twenty-seven and nine-tenths (127.9) feet to the point of beginning. Containing forth (40) square rods, more or less. Distances given are as of survey of Tighe and Bush, December, 1927.

For Grantor's title see deed of William H. Tague and Ada W. Tague dated July 22, 1937, and recorded with the Hampshire County Registry of Deeds in Book 925, Page 30.

### **PARCEL THREE**

A certain estate situated in said Amherst, being land and buildings known as 275 North Pleasant Street, situated between the easterly side of North Pleasant Street and the westerly side of East Pleasant Street, and bounded and described as follows:

Beginning at the northwest corner of the premises herein described on North Pleasant Street, formerly referred to as "the highway leading from Amherst Centre to North Amherst"; thence running easterly about ten (10) rods by land now or formerly of Samuel S. Hyde to East Pleasant Street, formerly referred to as "the highway leading from Amherst to the City so-called (Cushman)"; thence southerly about five (5) rods along said East Pleasant Street to the southeast corner of the premises herein described and land now or formerly of George L. Henry; thence westerly about ten (10) rods to said North Pleasant Street; thence northerly along said North Pleasant Street about five (5) rods to the place of beginning.

Containing fifty (50) rods, more or less.

Excepting therefrom that portion of the above described premises taken by an Order of Taking of the Town of Amherst, dated September 5, 1978 and recorded in Hampshire County Registry of Deeds, Book 2053, Page 114. See also plan in said Registry in Plan Book 109, Page 5.

For a more complete description of the above premises see plan entitled "Plan of Land made for The Inhabitants of the Town of Amherst situate in Amherst, Massachusetts," prepared by Engineering Department of Town of Amherst, dated August 1977, and recorded in said Registry in Plan Book 105, Page 4, wherein the above described premises are designated as Lot #3.

For Grantor's title see deed of Robert F. Irwin, Beatrice Irwin and Dudley F. Irwin dated November 10, 1993, and recorded with the Hampshire County Registry of Deeds in Book 4387, Page 94.

### **PARCEL FOUR**

A certain parcel of land known and designated as #285 North Pleasant Street, Amherst, Massachusetts, more particularly bounded and described as follows:

Beginning at the Southeast corner of the granted premises, at an iron fence post standing in the corner of fences situated about five (5) feet Westerly of the Westerly edge of an asphalt walk on the Westerly side of East Pleasant Street, said fence post being also the Northeast corner of the land of the Heirs of Mary E. Dudley, reference being had to the deed, Joseph P. Campion to Mary O. R. Dudley as recorded in Book 590, Page 27 at the Hampshire County Registry of Deeds; thence

By land of said Dudley Heirs, partly by a woven fence NORTH 77° 35' WEST, One Hundred Forty-five and 20/100 (145.20) feet to an iron pipe situated about Nine (9) feet Easterly from the edge of the granite curb forming the Easterly edge of the traveled way known as North

Pleasant Street, said iron pipe being the Northwest corner of the said Dudley Heirs and the Southwest corner of these premises: thence

Running parallel to said granite curb and Nine (9) feet distant there-from NORTH 9° 45' EAST, One Hundred Eighteen and 88/100 (118.88) feet to an iron pipe at the Northwest corner of these premises, being also the Southwest corner of land of Charles B. Ward and Evelyn B. Ward as recorded in Book 957, Page 318 in said Hampshire Registry of Deeds by the Executors of William T. Chapin's Estate; thence

By land of said Wards SOUTH 76° 30' EAST, One Hundred Fifty-Nine and 40/100 (159.40) feet to an iron pipe standing at the Northeast corner of these premises, being also the Southeast corner of said Wards and stands about Five (5) feet West of the above mentioned asphalt walk; thence

Running parallel with said walk along the Westerly side of said East Pleasant Street SOUTH 16° 41' 20" WEST, One Hundred Sixteen and 06/100 (116.06) feet to the point of beginning first mentioned above.

Containing by survey and computation 17,856.65 square feet of land and buildings as may be seen by reference to the plan entitled "HYDE PLACE" as surveyed July 1959 by Tracy B. Slack, said plan to be recorded.

Intending to convey the same land and buildings as were conveyed to Samuel S. Hyde by William A. Hyde in 1901 as recorded in Book 545, Page 223, excepting so much as was conveyed to William T. Chapin by said Samuel S. Hyde as recorded in Book 570, Page 37, Hampshire aforesaid, the purpose of said conveyance being to straighten their common boundary at said Hyde's Northwest corner and said Chapin's Southwest corner respectively.

For Grantor's title seed deed of George C. Brehm dated January 3, 1964, and recorded with the Hampshire County Registry of Deeds in Book 1430, Page 84.

#### **PARCEL FIVE**

A certain tract or parcel of land with the buildings thereon situated on the Easterly side of Pleasant Street in Amherst, Hampshire County, Massachusetts, bounded and described as follows:

Commencing at the northwesterly corner of said land and at the southwesterly corner of land now or formerly of William A. Hyde, at a stake and stones; thence running EASTERLY on said William A. Hyde land one hundred and sixty nine and two thirds ( $169 \frac{2}{3}$ ) feet to East Pleasant Street and to a stake and stones; thence SOUTHERLY on East Pleasant Street sixty six (66) feet to land now or formerly of Samuel S. Hyde and to a stake and stones; thence WESTERLY on land of said Samuel S. Hyde one hundred and sixty (160) feet to an iron pin on the easterly line of said Pleasant Street; thence NORTHERLY on said Pleasant Street sixty four (64) feet to the first-mentioned corner, containing nine thousand four hundred and sixty (9,460) square feet, more or less.



For Grantor's title see deed of Linda W. Wallace, Executrix Under the Will of Evelyn Brownell Ward dated March 14, 2000, and recorded with the Hampshire County Registry of Deeds in Book 5900, Page 45.

#### **PARCEL SIX**

The land in Amherst, with the buildings thereon, situated between the easterly side of North Pleasant Street and the westerly side of East Pleasant Street, bounded and described as follows:

Beginning at an iron pipe set in the easterly line of North Pleasant Street, marking the southwesterly corner of the land herein described and the northwesterly corner of land now or formerly of Charles B. Ward et ux; thence northerly along North Pleasant Street, 72 feet to an iron pipe marking the northwesterly corner of the land herein described and the southwesterly corner of land now or formerly of Lawrence P. Kinder et ux; thence easterly along land now or formerly of said Kinder, 175.1 feet to an iron pipe set in the westerly line of East Pleasant Street; thence S. 19° 32' W., along East Pleasant Street, 70 feet to a brass pipe; thence N. 76° 15' W., along land now or formerly of said Ward, 166.2 feet to the point of beginning.

For Grantor's title see deed of Jeffery B. Brown and Shawmut Bank of Hampshire County, N.A., Trustees of the Asbury B. Dunn Trust of 1981, dated December 30, 1987, and recorded with the Hampshire County Registry of Deeds in Book 3113, Page 116.

#### **PARCEL SEVEN**

The land in said Amherst, with the buildings thereon, situate on the east side of North Pleasant Street, bounded and described as follows:

Beginning at the southwest corner of the premises, it being the northwest corner of land of William A. Hyde; thence running northerly on said highway seventy-six (76) feet to land of George E. Bosworth; thence easterly on land of said Bosworth one hundred eighty (180) feet to the highway leading to North Amherst City so-called; thence southerly on said highway seventy-six (76) feet to land of William A. Hyde; thence westerly on land of said Hyde one hundred seventy-four (174) feet to first mentioned corner; containing 13,452 square feet more or less.

For Grantor's title see deed of Laurence P. Kinder and Ruth F. Kinder dated September 20, 1962, and recorded with the Hampshire County Registry of Deeds in Book 1390, Page 115.

#### **PARCEL EIGHT**

The land in said Amherst, with the buildings thereon, situated on the Easterly said of North Pleasant Street, bounded and described as follows:

Beginning at a stone monument at the Southwesterly corner of the premises which is the Northwesterly corner of land formerly of Elijah Ayers, now or formerly of one Kinder, and running thence Northerly along the Easterly line of North Pleasant Street about one hundred sixty-five (165) feet to a stone monument; thence Easterly on land formerly owned by Mrs. Charles Currier, and now or formerly owned by The First National Bank of Amherst, Trustee,

about one hundred forty-seven (147) feet to a stone monument; thence Southeasterly along Triangle Street and East Pleasant Street about two hundred thirteen (213) feet to land formerly of said Ayers, now of said Kinder, at a stone monument; thence Westerly on land of said Kinder to the first mentioned bound.

Subject to water pipe rights as described in deed of D. W. Palmer to George E. Bosworth, dated February 28, 1885, and recorded in Hampshire County Registry of Deeds in Book 393, 234.

For Grantor's title see deed of Clara A. Bosworth, Administratrix of the Estate of Edwin D. Bosworth dated August 8, 1962, and recorded with the Hampshire County Registry of Deeds in Book 1385, Page 488.

### PARCEL NINE

The triangular piece of land in said Amherst, with the buildings thereon, bounded westerly by North Pleasant Street, easterly (or northeasterly) by Triangle Street, southerly by land formerly held by one Bosworth, more particularly bounded and described as follows:

Tract 1: Beginning at a stone monument on the east side of the highway leading from Amherst to Sunderland, it being the northwest corner of land formerly of D. W. Palmer; thence running northwesterly on said highway about sixty-three feet to a stone monument; thence running easterly on line of land formerly of James White about ninety-four feet to a stone monument; thence running southeasterly about ninety-eight feet to a stone monument, it being the northeast corner of land formerly of D. W. Palmer; thence running westerly on line of land formerly of said Palmer about one hundred thirty-nine feet to the first mentioned monument or bound; containing fifty rods of land, be the same more or less; being the same property conveyed to Willis G. Towne by deed of Annie M. Currier and Charles L. Currier, dated February 27, 1885, recorded in Hampshire County Registry of Deeds, Book 393, Page 7.

Tract 2: Beginning at a monument at the southwest corner of this tract or parcel of land on the highway leading from Amherst to Sunderland, it being the northwest corner of land formerly of Willis G. Towne; thence running northerly on said highway to the old highway formerly leading from Amherst to Sunderland; thence running easterly and southerly on said old highway to a monument at the northeast corner of said Willis G. Towne's land; thence running westerly on line of said Towne's land about ninety-four feet to the place of beginning; containing one-fourth acre of land, be the same more or less; being the same property conveyed to Mary E. Towne by deed of James White, dated February 28, 1885, recorded in Hampshire County Registry of Deeds, Book 392, Page 485.

For Grantor's title see deed of Willis L. Towne dated June 22, 1951, and recorded with the Hampshire County Registry of Deeds in Book 1096, Page 50.

*This conveyance does not create any new boundaries.*



2006 00031152

Bk: 8937Pg: 28 Page: 1 of 3

Recorded: 11/03/2006 10:11 AM

**TRUST U/W JENNY KENDRICK, A/K/A JENNIE KENDRICK, DATED JUNE 16, 1950 AND  
EQUITY DECREE DATED APRIL 14, 1964  
(HAMPSHIRE COUNTY PROBATE AND FAMILY COURT DOCKET NO. 36790)  
TRUSTEE'S CERTIFICATE PURSUANT TO  
MASSACHUSETTS GENERAL LAWS CHAPTER 184, SECTION 35**

Name Of Trust:	Trust u/w of Jenny Kendrick, a/k/a Jennie Kendrick, dated June 16, 1950 and under equity decree dated April 14, 1964 (Hampshire County Probate and Family Court Docket No. 36790) a/k/a The Jenny Kendrick Trust
Date Of Trust:	June 16, 1950 Equity decree April 14, 1964 (Hampshire County Probate and Family Court Docket No. 36790)
Donor/Settlor:	Jenny Kendrick, a/k/a Jennie Kendrick, of Amherst, Hampshire County, Massachusetts
Trustee(s):	Bank of America, N.A., of Boston, Massachusetts, as successor in interest to The First National Bank of Amherst, of Amherst, Massachusetts
Named Successor Trustee(s):	None
Provision For Appointment Of Successor Trustee(s):	None

---

**CERTIFICATION**

The undersigned, Bank of America, N.A., Trustee of the Trust u/w of Jenny Kendrick, a/k/a Jennie Kendrick, dated June 16, 1950 and under equity decree dated April 14, 1964, (Hampshire Probate and Family Court Docket No. 36790) a/k/a The Jenny Kendrick Trust (the "Trust"), whose mailing address is c/o Steven J. Newman, Bank of America, Private Bank Real Estate Services, 99 Founders Plaza, East Hartford, Connecticut, 06108, certifies under the pains and penalties of perjury that:

- A. Bank of America, N.A., is the current and sole Trustee of the Trust, has been duly appointed, and has not resigned or been removed.
- B. The Donor/Settlor died on December 26, 1957.
- C. The Trust is in full force and effect and has not been revoked, altered, amended, modified (except as set forth herein) or terminated (pursuant to Judgment of the Hampshire County Probate and Family Court Docket No. 00E0012GC issued on December 28, 2005, the

Trust terminates only upon the transfer of all property, including real property, currently held by the Trust to the Town of Amherst).

- D. As established by equity decree of the Hampshire County Probate and Family Court on April 14, 1964 (Docket No. 36790), the Trustee shall have the following powers:
  - a. purchase all parcels of real estate situated within the triangular area in the Town of Amherst, Massachusetts bounded by North Pleasant Street, Triangle Street, and East Pleasant Street; and
  - b. establish and maintain a public park on said real estate so acquired to be known as "Kendrick Park" for the use and benefit of the general public and for the enhancement and beautification of that area of Amherst.
- E. Pursuant to the equity decree of the Hampshire County Probate and Family Court dated April 14, 1964 (Docket No. 36790), the Trustee has purchased all parcels of real estate situated within the triangular area in the Town of Amherst, Massachusetts bounded by North Pleasant Street, Triangle Street, and East Pleasant Street.
- F. Pursuant to the Judgment of the Hampshire County Probate and Family Court dated December 28, 2005 (Docket No. 00E0012GC), the Trustee is "authorized to convey, transfer, and distribute the real and personal property held by it to the Town of Amherst subject to the terms and conditions of this Court's Decree dated April 14, 1964."
- G. There are no additional facts which constitute a condition precedent to acts by the Trustee or which are in any other manner germane to affairs of the Trust in connection with the aforesaid actions.

[SIGNATURE PAGE FOLLOWS]

EXECUTED as an instrument under seal to be effective as of the 31<sup>ST</sup> day of OCTOBER 2006.

TRUST U/W OF JENNY KENDRICK,  
A/K/A JENNIE KENDRICK, DATED  
JUNE 16, 1950 AND UNDER EQUITY  
DECREE DATED APRIL 14, 1964  
(HAMPSHIRE COUNTY PROBATE AND  
FAMILY COURT DOCKET NO. 36790)  
A/K/A THE JENNY KENDRICK TRUST

Bank of America, N.A., Trustee as aforesaid

By: Steven J. Newman  
Name: Steven J. Newman  
Title: Assistant Vice President

~~STATE OF CONNECTICUT~~  
~~COMMONWEALTH OF MASSACHUSETTS~~

HARTFORD COUNTY, SS. EAST HARTFORD

On this 31<sup>ST</sup> day of OCTOBER, 2006, before me, the undersigned notary public, personally appeared the above-named Steven J. Newman, Assistant Vice President, Bank of America, N.A., as Trustee of the Trust u/w of Jenny Kendrick dated June 16, 1950 and under equity decree dated April 14, 1964, (Hampshire County Probate and Family Court Docket No. 36790) proved to me through satisfactory evidence of identification, which was PERSONALLY KNOWN TO ME, to be the person whose name is signed on the preceding instrument, and acknowledged to me that he signed it voluntarily for its stated purpose.

Beverly A. Spears  
Notary Public

My commission expires:

**BEVERLY A. SPEARS**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES SEP 30 2011



---

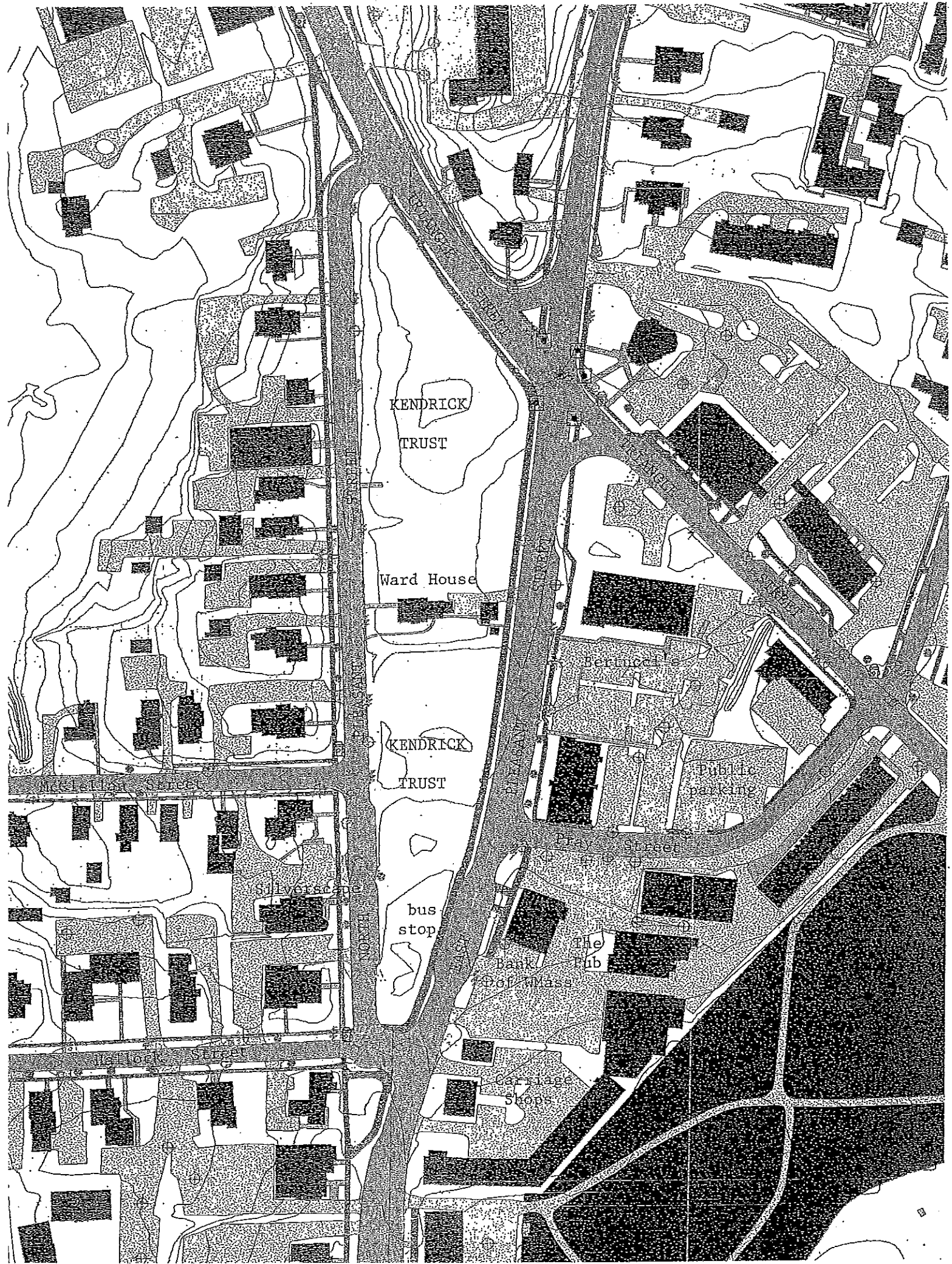
**ARTICLE 37. Petition – Kendrick Park  
(Gordon)**

---

**“To see if the Town will vote to accept, as a gift from the Kendrick Trustees, the land located between East Pleasant, North Pleasant and Triangle Streets, to create there a public park, to be know as Kendrick Park, “for the use and benefit of the general public and of the enhancement and beautification of that area of Amherst,” in full accordance with the wishes of George Smith Kendrick and Jennie Kendrick, creators of the Trust.”**

*4.63 Supervision of town properties*

*The town manager shall have jurisdiction over the rental, use, maintenance, and repair of all town property except school property and property under the control of the town library trustees. The town manager shall be responsible for the preparation of plans and the supervision of work on existing buildings or on the construction of new buildings other than school buildings and buildings under the control of the library trustees. The town manager shall maintain and repair school buildings if and to the extent that the school committee requests, and the town manager shall maintain and repair buildings under the control of the library trustees if and to the extent that they so request.*



KENDRICK  
TRUST

Ward House

KENDRICK  
TRUST

Silverstone

bus  
stop

The  
Pub

Carriage  
Shop

Public  
parking



## Karpinski, Joyce

---

**From:** Karpinski, Joyce  
**Sent:** Tuesday, May 25, 2004 9:40 AM  
**To:** 'alan.seewald@seewaldjankowski.com'  
**Subject:** RE: Art. 37

-----Original Message-----

**From:** Maciaszek, Anna  
**Sent:** Tuesday, May 25, 2004 9:37 AM  
**To:** Karpinski, Joyce  
**Subject:** Art. 37

Article 37.           Petition -- Kendrick Park (Gordon)

**VOTED unanimously** that the Town authorize the Select Board to accept, as a gift from the Kendrick Trustees, the land located between East Pleasant, North Pleasant and Triangle Streets, together with the financial (intangible) assets of the Trust, to create on that land a public park, to be known as Kendrick Park, "for the use and benefit of the general public and of the enhancement and beautification of that area of Amherst," consonant with the wishes of George Smith Kendrick and Jennie Kendrick, creators of the Trust and that the Town authorize the Select Board to sell or dispose of the structures located thereon upon such terms and conditions as the Select Board may deem reasonable and appropriate.  
Action taken on 5/19/2004.

